

Before the
Federal Communications Commission
Washington, DC 20554

Aug 1 3 51 PM '05

In the Matter of)

DISPATCHED

Request for Review of the)

Decision of the)

Universal Service Administrator by)

Spokane Public Schools)

File No. SLD-262911

Spokane, Washington)

Schools and Libraries Universal Service)

CC Docket No. 02-6

Support Mechanism)

ORDER**Adopted: July 26, 2005****Released: July 27, 2005**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Spokane Public Schools, Spokane, Washington (Spokane).¹ The Request for Review seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) reducing funding for Funding Year 2001 on the grounds that Spokane filed its completed FCC Form 486 after the filing deadline.² For the reasons discussed below, we grant the Request for Review.

2. Upon review of the record, we conclude that SLD erred in its decision. The record shows that SLD issued a Funding Year 2001 Funding Commitment Decision Letter for Spokane on September 14, 2001 for discounts for services by Avista Fiber, Inc., with a Service Provider Identification Number (SPIN) of 143004833.³ Spokane filed an FCC Form 486 that included information about Avista Corp., SPIN 143004833 on October 26, 2001.⁴ Thus, Spokane filed its FCC Form 486 before the Funding Year 2001 FCC Form 486 deadline of October 28, 2001.⁵ On May 23, 2002, SLD informed Spokane that SLD

¹Letter from Peggy Schweikhardt, Spokane Public Schools, to Federal Communications Commission, filed March 20, 2003 (Request for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

²Letter from Schools and Libraries Division, Universal Service Administrative Company, to Peggy Schweikhardt, Spokane Public Schools, dated January 21, 2003 at 2 (Administrator's Decision on Appeal).

³Letter from Schools and Libraries Division, Universal Service Administrative Company to Peggy Schweikhardt, Spokane Public Schools, dated September 14, 2001 (Funding Commitment Decision Letter).

⁴FCC Form 486, Spokane Public Schools, filed October 26, 2001 (Spokane FCC Form 486).

⁵In accordance with the requirements of the Children's Internet Protection Act (CIPA), the Commission determined that applicants had to file Funding Year 2001 FCC Forms 486 no later than October 28, 2001, unless the service began after that date or a funding commitment decision letter was issued after that date. *Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No 96-45, Report and Order, 16 FCC Rcd

had rejected Spokane's FCC Form 486 because the Avista Corp. SPIN did not match the SPIN SLD had in its database.⁶ On June 5, 2002, Spokane resubmitted its FCC Form 486 to reflect services provided by Avista Communications of Idaho, Inc., SPIN 143022183, after discovering that Avista Corp. had changed its name and SPIN.⁷ Because Spokane resubmitted its FCC Form 486 after the October 28, 2001 deadline, SLD shifted Spokane's funding start date for Avista services from July 1, 2001 to June 5, 2002, the postmark date of the resubmitted FCC Form 486.⁸

3. We conclude that SLD erred in rejecting Spokane's original FCC Form 486 filed on October 26, 2001. When SLD determined that the Avista SPIN in SLD's database differed from the Avista SPIN on Spokane's FCC Form 486, SLD should have adjusted the information on Spokane's FCC Form 486 accordingly. We therefore grant the Request for Review and remand it to SLD for further processing.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Spokane Public Schools, Spokane, Washington, on March 20, 2003, is GRANTED and REMANDED to the Schools and Libraries Division of the Universal Service Administrative Company, for further action consistent with this Order.

FEDERAL COMMUNICATIONS COMMISSION



Vickie S. Robinson
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

8182, 8185 at para. 3 (2001) (*CIPA Order*); 47 C.F.R. § 54.520(g); Instructions for Completing the Schools and Libraries Universal Service Receipt of Service Confirmation Form, OMB 3060-0853 (July 2001) at 8-10 (FCC Form 486 Instructions).

⁶Administrator's Decision on Appeal at 1-2.

⁷FCC Form 486, Spokane Public Schools, filed June 5, 2002. According to SLD's procedures, a change in a service provider's name is treated as a "Corrective SPIN Change." See SLD website, Corrective SPIN Change (June 25, 2003), <<http://www.sl.universalservice.org/reference/CorrectiveSpin.asp>>.

⁸Administrator's Decision On Appeal at 2. Letter from Schools and Libraries Division, Universal Service Administrative Company to Peggy Schweikhardt, Spokane Public Schools, dated July 17, 2002 at 6 (FCC Form 486 Notification Letter). A Funding Year 2001 applicant with a funding commitment decision letter who failed to meet the October 28, 2001 deadline could obtain discounts only for services received on or after the date that its FCC Form 486 was postmarked. FCC Form 486 Instructions at 9.